

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 520 - TOUR, CHARTER AND WATER TAXI SERVICES AND UNSCHEDULED FREIGHT SERVICES IN CASCO BAY

SUMMARY: This rule establishes provisions governing Unscheduled Freight Service in accordance with 35-A M.R.S.A. § 5101-D and Tour, Charter and Water Taxi Services in accordance with 35-A M.R.S.A. § 5101-E.

1. PURPOSE AND SCOPE

This rule establishes requirements and limitations for the provision of Tour, Charter, Water Taxi and Unscheduled Freight Services between the mainland of Cumberland County and Peaks Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, or Cliff Island or between the islands mentioned above, which comprise the franchise of the Casco Bay Island Transit District (CBITD) and others as defined in 35-A M.R.S.A. § 5101.

2. DEFINITIONS

- A. Charter Provider. "Charter Provider" means a person or entity that provides a Charter Service.
- B. Charter Service. "Charter Service" means Passenger Service that is provided, pursuant to contract, to a single person, entity or group for an unscheduled round trip in Casco Bay that:
 - i. originates on the mainland and stops at one or more point(s) on any of the Regulated Islands, or
 - ii. originates on one of the Regulated Islands and stops at one or more point(s) on the mainland or any of the other Regulated Island.
- C. Ferry Provider. "Ferry Provider" means a person or entity that provides a Ferry Service.
- D. Ferry Service. "Ferry Service" means any waterborne transportation of passengers and/or freight in Casco Bay stopping at one or more of the Regulated Islands that is not a Charter Service, a Tour Service, or a Water Taxi Service, or Unscheduled Freight Service.
- E. Freight Service. "Freight Service" means any commercial waterborne transportation of goods.

- F. Operator. "Operator" means a person or entity that provides a Charter Service, Ferry Service, Tour Service, Water Taxi Service, or Freight Service.
- G. Passenger Service. "Passenger Service" means waterborne transportation that is provided to passengers and their accompanying hand luggage.
- H. Regulated Islands. "Regulated Islands" means the islands in Casco Bay of Chebeague, Cliff, Great Diamond, Little Diamond, Long, and Peaks.
- I. Roll-On and Roll-Off Vehicle. "Roll-On and Roll-Off Vehicle" means a wheeled or tracked vehicle capable of operating under its own power that has a cargo weight that exceeds five gross tons. It does not include a vehicle with four wheels that has a gross weight of ten tons or less (unless such vehicle is transported in conjunction with a Roll-On and Roll-Off vehicle with a cargo weight that exceeds five gross tones).
- J. Tour Provider. "Tour Provider" means a person or entity that provides a Tour Service.
- K. Tour Service. "Tour Service" means a trip in Casco Bay which originates on the mainland or one of the Regulated Islands but does not stop at any of the Regulated Islands or the mainland other than at the point of origination.
- L. Unscheduled. "Unscheduled" means service that is provided on-demand, not pursuant to any published or announced schedule, and not as a part of a pattern of an Operator or Operators in providing transportation at a regular or preset frequency.
- M. Water Taxi Provider. "Water Taxi Provider" means any person or entity that provides a Water Taxi Service.
- N. Water Taxi Service. "Water Taxi Service" means an on-demand, unscheduled, one-way Passenger Service in Casco Bay that stops at one or more of the Regulated Islands and that is provided for six or fewer passengers.

3. AUTHORIZATION REQUIRED

- A. Tour Service. Tour Service as defined by this rule is not subject to regulation by the Commission under 35-A M.R.S.A., Chapter 51 and, therefore, no authorization from the Commission is required to provide a Tour Service.
- B. Charter Service, Water Taxi or Unscheduled Freight Service. No person shall provide any Charter Service, Water Taxi or Unscheduled Freight Service without first obtaining authorization from the Commission.
 - i. All applications shall be made on the attached form.
 - ii. Copies of all application materials and rate schedules shall be mailed to the Casco Bay Island Transit District at the same time they are filed with the Commission. Each application filed with the Commission shall be accompanied by a certificate stating that a complete copy has been mailed to CBITD.
 - iii. Authorization shall be granted by the Commission if the authorization requested is for Charter Service or Water Taxi Service or Unscheduled Freight Service as defined by this rule and satisfies all the requirements of this rule.
 - iv. No hearing shall be held on such application unless an objection is filed within two weeks of the filing of the application which demonstrates a substantial need for a hearing, which requirement may be satisfied by a prima facie showing that the actual service to be provided will differ from the authorization requested.
- C. Ferry Providers. If service for which authorization is requested is not Charter Service or Water Taxi Service or Unscheduled Freight Service as defined by this rule, the application shall be treated as an application for authorization as a Ferry Provider under Title 35-A, M.R.S.A. § 5101 and this rule shall not be applicable.

4. LIMITATIONS ON AND REQUIREMENTS FOR THE PROVISION OF CHARTER SERVICE

- A. Tickets and Individual Fares. A Charter Provider may not sell individual tickets or charge individual fares for any charter trip.

- B. Disembarkment. If the passengers of a Charter Provider disembark on any of the Regulated Islands, the Charter Provider shall
1. remain with the passengers and provide return service;
 2. return to pick up its Charter Service passengers who disembark on any of the Regulated Islands;
 3. provide only one way service and contract with CBITD or another Charter Provider to have the CBITD or the other Charter Provider provide passenger return service; or
 4. return to pick up its charter service passengers but, if the charter has a contract with CBITD that provides an allowance for [a certain number of passengers to return] with the CBITD ferry, the charter provider may provide its passengers with the option to return with the ferry.
- C. Record keeping. Charter Providers shall maintain records of inbound and outbound passenger counts for each trip at least until the end of the calendar year following the calendar year in which the trip occurred.

5. **LIMITATIONS ON THE PROVISION OF WATER TAXI SERVICE**

- A. Flat Rate. Water Taxi Service shall be provided at a flat rate based on the distance between the origination and termination points, regardless of whether the vessel carries fewer than the maximum allowable number of passengers as provided in section 2(N) of this rule and regardless of whether the trip is inbound or outbound.
- B. Filing Requirement. A water taxi provider shall file at the Commission, for informational purposes only, any changes in its rates. These rate schedules are not subject to Commission approval.

6. **LIMITATIONS ON THE PROVISION OF UNSCHEDULED FREIGHT SERVICE**

- A. Type of Vehicles Allowed. All vehicles transported in Unscheduled Freight Service between mainland Cumberland County and the Regulated Islands or between the Regulated Islands must consist of either (i) Roll-On and Roll-Off Vehicles, or (ii) special purpose equipment such as construction equipment, emergency equipment, or trash compacting equipment. Any Roll-On and Roll-Off Vehicle must be loaded with allowed freight (if such

vehicle is transported one a round-trip, it must be loaded with allowed freight on at least on leg of that round-trip).

- B. Type of Freight Allowed. All freight transported in Unscheduled Freight Service between mainland Cumberland County and the Regulated Islands or between the Regulated Islands must consist of (i) freight transported in a Roll-On and Roll-Off Vehicle, (ii) material in bulk that requires the use of a deck barge and crane, or (iii) household goods transported in tractor trailers. Transported vehicles may not carry food, beverages, perishables, or wrapped or boxed freight.
- C. Loading and Unloading. Loading and unloading of transported vehicles may not occur at any dock or wharf used by the Casco Bay Island Transit District for scheduled service.
- D. Limitation for Peaks Island. The freight transported on any single trip between Peaks Island and mainland Cumberland County or between Peaks Island and the other Regulated Islands may not consist of property of multiple owners unless:
 - 1. The property was originally sold by a single vendor who is the owner of one of the vehicles transported on the trip; or
 - 2. The property is related to the performance of a single contract to be performed by the owner of one of the vehicles carried on the trip.
- E. Rate Schedule. All carriers providing Unscheduled Freight Service shall file a rate schedule with the Commission that includes a statement of the hourly fee and the minimum fee, which shall not be less than one hour at the hourly fee.

7. WAIVER

Upon the request of any persons subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Technical Analysis, or the presiding officer assigned to a proceeding related to this Chapter may grant this waiver.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 99-208 issued on September 2, 1999 and Order Adopting Amended Rule, Docket No. 2000-555 issued on September 19, 2000. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, State House Station #18, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 5101-D, 5101-E.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on _____. It was filed with the Secretary of State on _____ and will be effective on _____.

**STATE OF MAINE
PUBLIC UTILITIES COMMISSION**

Application for Authorization to Provide Charter, Water Taxi or Unscheduled Freight
Services in Casco Bay

1. Name of Applicant: _____
Address: _____
Tel: _____

Applicant is: __individual __partnership __L.L.C. __corporation

If partnership, name & address of each partner: _____

If member-managed L.L.C., name & address of each officer or board member: _____

If manager-managed L.L.C., name & address of each manager: _____

If corporation, name & address of registered agent: _____

Where & when incorporated: _____

2. Application is for __Charter __Water Taxi __Freight Service

3. Rate Schedule. Please attach a list of all rates and charges for proposed service.

4. FOR CHARTERS ONLY: Intend to return all passengers? __Yes__No
If no, contract for returns will be with __Casco Bay Island Transit District
__other (please specify)

5. FOR WATER TAXIS ONLY: Hours of operation: _____
Telephone No. for service: _____

6. FOR UNSCHEDULED FREIGHT SERVICES ONLY:

Provide general description of type of freight services to be provided:

7. Copies of all application materials sent to Casco Bay Island Transit District?
___Yes ___No Proof of mailing attached? ___Yes ___No

8. Vessel Information.

A. Name of vessel: _____ Maine Reg. _____

U.S.C.G. _____

Vessel registration is port of _____ in the name of

Length _____ Breadth _____ Gross Tonnage _____

Max. number of passengers authorized: _____

U.S.C.G. Certificate of Inspection No. _____ Issued _____ Exp. _____

(include the above information for each vessel to be employed in the proposed service)

9. Does applicant have sufficient personnel properly licensed to operate the vessel(s) to be used in the proposed service? ___Yes ___No

Does applicant have liability insurance covering the proposed operation?

___Yes ___No

Name of Insurer and amount of coverage: _____

Signature: _____ Date: _____

